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SUBJECT: KOSOVO: FAST-TRACKING PLAN UNDERWAY FOR TRANSITION  
LAWS

SENSITIVE BUT UNCLASSIFIED -- PLEASE HANDLE ACCORDINGLY.

¶1. (SBU) SUMMARY: Under the Ahtisaari Plan, the Kosovo Assembly must pass a number of laws during the established 120-day transition period. The Assembly's normal pace of doing business is inadequate to do this, so the OSCE, EAR, and NDI, working together as the Assembly Support Initiative (ASI), have proposed fast tracking this legislation, including shortening the time in committee and between readings. ASI is also coordinating with the PM's office to track drafting progress, which has been slow thus far. We will continue weighing in with both Assembly members and the Kosovo Government to make certain these laws are approved in a timely fashion. END SUMMARY.

"Ahtisaari" laws

¶2. (SBU) Article 1 of Annex XII of the Ahtisaari Plan sets out five laws that must be passed during the 120-day transition: general elections; local elections; local self-government; municipal boundaries; and the establishment of protective zones for religious and cultural sites. The Ministry of Local Government is responsible for the first four. As of June 19, working groups had been established, but only the draft law on local self-government had been completed, and even it had not yet been submitted to Office of the Prime Minister (OPM). Although a June 5 report promised a law on municipal boundaries by June 15, it has not yet been completed. The Ministry of Environmental and Spatial Planning and Ministry of Culture are jointly responsible for the law on protective zones. The meat of this law is dictated by the Ahtisaari Plan itself, and the June 5 report promised a draft by June 19. However, no draft law is yet complete, although a transition working group on religious and cultural heritage has recently come up with a framework, in coordination with the internationals, including the Council of Europe and UNESCO.

¶3. (SBU) Article 2 of Annex XII gives priority status to further laws the Assembly may adopt during transition dealing with: the rights of communities and their members; local

finance; education; health care; citizenship; use of national symbols; public holidays; restitution; the Kosovo Security Force (KSF); service in the KSF; service in the Kosovo police; and laws establishing the Kosovo Security Council, civil aviation authority, and a domestic intelligence agency.

Draft laws on citizenship, KPC retirement, public holidays, and the use of national symbols are in various stages of government review. The OPM expects to receive draft laws on police and civil aviation by the end of June. According to the OPM, the remainder of the laws have various concept papers, working groups, and/or drafting committees, but OPM has no estimate of when it will actually receive finished drafts.

#### Fast-Tracking

¶4. (SBU) The Assembly Support Initiative, comprised of the National Democratic Institute (NDI), European Agency for Reconstruction (EAR), and the OSCE, is planning ahead for this deluge of legislation the Kosovo Assembly will be required to pass during the 120-day transition period mandated by the Ahtisaari Plan. The ASI has come to preliminary agreement about how to facilitate the passage of these priority laws, but the details remain to be worked out and implemented.

¶5. (SBU) ASI's plan is for the Assembly to depart from its rules of procedure using rule 61, which allows such departures upon a two-thirds vote. The Assembly will then follow special procedures for these priority laws, such as shortening the time for committee review and between readings. ASI members will meet in the next week to produce a recommendation for which departures from the rules should actually be taken. That recommendation will go through the Assembly's secretary general to the caucus leaders, committee

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chairs, and eight-member Assembly Presidency. The Presidency would then put the issue on the Assembly agenda for a plenary vote.

¶6. (SBU) ASI is doing a number of things to speed up what is often a lengthy review process in the Assembly committees. First, the Assembly will deal with "Ahtisaari" laws to the exclusion of their other work. (NOTE: This can be done under rule 61. END NOTE.) Second, the table office will receive special directions on which laws are assigned to which committees, and how long committees have for review. Committee assignments can be made in advance upon agreement between committee chairs and the Assembly Presidency. (NOTE: In a parliamentary system, the table office plays a crucial organizational role, including being the reception/distribution center for all of the parliament's official business and tracking the progress of legislation through committees. ASI is targeting the Kosovo Assembly's notoriously hapless and ineffectual table office for assistance to increase its ability to handle its responsibilities. END NOTE.) Third, ASI plans to help the committees review the laws quickly by adding legal support and advisers, and inviting the drafters (both PISG staff and their international experts) of the laws to committee meetings to answer members' questions. Involving the PM's Office

¶7. (SBU) ASI, Assembly President Kole Berisha, and other Assembly leaders remain concerned that the PISG will not submit laws to the Assembly in time for passage within 120 days. Thus ASI and Assembly staff have established contact with staff in the OPM to keep track of when draft laws are expected to be completed and submitted. OPM has promised weekly updates on these laws.

¶8. (SBU) COMMENT: ASI is off to a good start in preparing the Assembly for a very busy four month transition period, but even under special rules political will and support from leading MPs and cooperation among them will be crucial for

the "Ahtisaari" laws to sail smoothly through. That political will may be harder to come by if status is delayed indefinitely, however. Thus far, anecdotally, MPs have told us they are prepared to work 24/7 to finish their work, but we will weigh in when necessary to keep them motivated and focused. END COMMENT.  
KAIDANOW